

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MEL TYRONE EDWARD

Plaintiff,

No. CIV S-03-02584 ALA P

vs.

S. SCARSELLA, et al.,

Defendants.

ORDER

On January 6, 2004, Plaintiff Mel Edward filed a motion requesting appointment of counsel. On July 19, 2004 the Magistrate Judge assigned to this matter referred the case to the University of California, King Hall Civil Rights Clinic for review. On June 23, 2005, the Magistrate Judge withdrew the referral of this matter to the University of California, King Hall Civil Rights Clinic. On August 3, 2007, the court denied Defendants' motion for summary judgment.

On August 13, 2007, this court attempted to appoint counsel for Plaintiff. However, the court was informed that appointed counsel was unavailable and on September 12, 2007, the court informed Plaintiff that he would have to proceed without appointed counsel. The court has now been informed that appointed counsel is available.

Thus, upon review of the file and good cause appearing therefor, the court finds as

1 follows:

2 Efforts to obtain legal representation without order of this court would be futile;

3 1. Plaintiff's income is 125 percent or less of the current poverty threshold
4 established by the Office of Management and Budget of the United States and is otherwise
5 without resources to obtain counsel;

6 2. This case is of a type that attorneys in this district ordinarily do not accept
7 without prepayment of a fee;

8 3. This case is not a fee generating case within the meaning of California Business
9 and Professions Code § 8030.4(g); and

10 4. This case has sufficient merit to warrant appointment pursuant to General
11 Order No. 230.

12 Accordingly, it is ORDERED that:

13 1. The court hereby appoints Ms. Sharon M. Bunzel of O'Melveny & Meyers,
14 275 Battery Street, 26th Floor, San Francisco, California, 94111 to undertake representation of
15 the Plaintiff through pretrial proceedings and through trial;

16 2. Counsel shall, within thirty-five (35) days of the date of this order, respond to
17 this order; and

18 3. After receiving a response from Ms. Bunzel, the court will issue a further
19 order.

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21 DATED: December 21, 2007

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23 /s/ Arthur L. Alarcón
24 UNITED STATES CIRCUIT JUDGE
25 Sitting by Designation
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